

MAR 1952

CLASSIFICATION S-E-C-R-E-T
 SECURITY INFORMATION
 CENTRAL INTELLIGENCE AGENCY
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REPORT

50X1-HUM

CD NO.

COUNTRY Rumania
 SUBJECT Political - Law, organization of tribunals
 Military - Law, organization, Judge Advocate
 General
 HOW PUBLISHED Irregular newspaper
 WHERE PUBLISHED Bucharest
 DATE PUBLISHED 4 Mar 1953
 LANGUAGE Rumanian

DATE OF
 INFORMATION 1953

DATE DIST. 13 Aug 1953

NO. OF PAGES 6

SUPPLEMENT TO
 REPORT NO.

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RUMANIAN DECREE REORGANIZES MILITARY TRIBUNALS
 AND OFFICE OF JUDGE ADVOCATE GENERAL

[Decree No 101, issued in Bucharest on 20 February 1953 by the
 Presidium of the Grand National Assembly, amends decree No 7 of
 19 June 1952, and reorganizes military tribunals and the Office of
 the Judge Advocate General.]

MILITARY TRIBUNALS

I. General Instructions

Article 1

All military tribunals form a part of the judicial system of the Ruma-
 nian People's Republic and have as their main duty the defense of the social
 organization of the Rumanian People's Republic, which involves fighting the
 enemies of the working people, strengthening the people's democratic regime,
 and strengthening the discipline and the fighting abilities of the Armed
 Forces of the Rumanian People's Republic. These duties and aims are carried
 out through punishment and sentencing of the following persons:

- a. Those who disobey laws, regulations, military ordinances, or the
 military oath, or those who refuse to preform their duty to the state
- b. Those who commit any other wrongs against the state or the armed
 forces, which, by law, are punishable by the military tribunals

Article 2

Military tribunals of the Rumanian People's Republic are as follows:

- a. District military tribunals and territorial military tribunals
- b. Regiune military tribunals and tribunals of the Ministry of State
 Security and of the navy

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c. Military Tribunal of the Supreme Tribunal of the Rumanian People's Republic.

Article 3

The number, location, and jurisdiction of military tribunals is established by the Minister of Justice, with the approval of the Minister of Armed Forces and the Minister of State Security.

Article 4

The organization plan of the military tribunal is established by the Minister of Justice, with the approval of the Minister of Armed Forces and the Minister of State Security.

The appointment and dismissal of all military judges, with the exception of those appointed to the Supreme Tribunal, are decreed by the Minister of Justice, with the approval of the Minister of Armed Forces and the Minister of State Security.

The calling up of military judges into the Armed Forces of the Rumanian People's Republic and the granting of proper military rank are done in accordance with the rules of the officers corps and on the recommendation of the Minister of Justice.

All clerks of the court, administrative personnel, and service personnel of military tribunals are hired by the president of the military tribunals in accordance with the laws in force at the time.

Article 5

The number of people's representatives to each military tribunal is determined by the Minister of Justice, in agreement with the Minister of Armed Forces and the Minister of State Security.

People's representatives in the military courts are appointed for a period of one year by the Minister of Justice, with the approval of the Minister of Armed Forces and the Minister of State Security.

The people's representatives to these courts are selected by the president of the tribunal from a roster of acceptable people's representatives, and when called these representatives must fulfill their obligations to the state.

Article 6

Military tribunals have the right to adjudicate cases even outside their normal jurisdiction, if such is necessary in the proper execution of justice.

Article 7

All sessions of military tribunals are public, with the exception of those which are exempt by law.

II. Organization and Authority of Military Tribunals

Article 8

Military tribunals are composed of a number of military judges, under the direction of the president of the court. Cases are tried under the direction of one judge and two people's representatives, and in special cases, by three judges.

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The president of the military court of the Supreme Tribunal of the Rumanian People's Republic holds the rank of at least colonel, and the president of the military tribunal holds the rank of at least captain. In the event that the defendant is an officer, the people's representatives as well as the judge trying the case must be officers.

In the event the defendant is a private, a sailor, a quartermaster, or a noncommissioned officer, the people's representatives through the military tribunal may be noncommissioned officers.

Article 9

Military tribunals for various districts and territories of the armed forces have the following authority:

1. District military tribunals may try any cases involving privates, sailors, noncommissioned officers, quartermasters, or officers of lower rank, with the exception of those indicated under subsection a. of part 2 of this article.

2. Territorial military tribunals have the right to try the following cases:

a. Cases involving military personnel having the rank of private, sailor, noncommissioned officer, quartermaster, or officer of lower rank, who are a part of, or are attached to, the Ministry of State Security or the Ministry of Internal Affairs

b. Cases involving civilians who, according to law, must be tried by military courts

c. Cases involving infractions against state security, whether the defendant be civilian or military

Article 10

Military tribunals for the various military regions or the navy, as well as for the units of the Ministry of National Security, have the following authority:

1. The military tribunal for military regions and for the navy may try the following cases:

a. Appellate cases which have been tried previously by any district military tribunals

b. Original cases where the defendant is an officer of higher rank, with the exception of those indicated in part 2, subsection a. of this article.

2. Military tribunals of the Ministry of National Security may try the following cases:

a. Original cases, where the defendant is an officer of higher rank or one who occupies a position of similar rank in the Ministry of State Security or the Ministry of Internal Affairs

b. Appellate cases, where sentence was issued in a territorial military tribunal.

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Article 11

The military court of the Supreme Tribunal of the Rumanian People's Republic has authority as follows:

1. To judge original cases in which the defendant holds the rank of general or admiral or occupies a position of corresponding rank
2. To judge appellate cases where the original sentence was issued by a regional military tribunal, navy tribunal, or military tribunal for a unit of the Ministry of State Security
3. To act in a supervisory capacity, reviewing sentences or orders issued by a military tribunal.

Article 12

For better administration of justice, any higher military tribunal by its own order may take over, at any time during the proceedings of the trial, any case which is in a lower court, or any case which has been reassigned to another military tribunal of at least the same rank as the one in which the case originated.

Article 13

All military tribunals of all ranks must obey the law of judicial organization of the country, the penal code, the code of court procedure, the code of military justice, and any other laws in effect at the time.

OFFICE OF THE JUDGE ADVOCATE GENERAL

Article 14

The Judge Advocate General of the Armed Forces of the Rumanian People's Republic and the chief of the Office of the Judge Advocate General of the Ministry of State Security are the assistants of the Attorney General of the Rumanian People's Republic, with the approval of the Minister of Armed Forces and the Minister of State Security.

Article 15

All military judge advocates and trial counsels are subordinate only to their immediate superiors in military channels.

Article 16

All organizational and procedural rules of the Office of the Judge Advocate General are established by the Attorney General, with the approval of the Minister of Armed Forces and the Minister of State Security.

Appointment and dismissal of all military judge advocates and trial counsels are decreed by the Attorney General of the Rumanian People's Republic, with the approval of the Minister of Armed Forces and the Minister of National Security.

The calling up of all administrative and working personnel in the Office of the Judge Advocate General of the Rumanian People's Republic, and the issuance of military ranks, are done according to the officers' code and on the recommendation of the Attorney General of the Rumanian People's Republic.

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All administrative personnel in the Office of the Judge Advocate General are hired by the judge advocate in charge of this office, in accordance with the regulations and orders in effect at the time.

Article 17

The number, location, and jurisdiction of all units of the Office of the Judge Advocate General are established by the Attorney General of the Rumanian People's Republic, with the approval of the Minister of Armed Forces and the Minister of State Security.

Article 18

The duties of all judge advocates of the armed forces are as follows:

- a. To fight against enemies of the working people
- b. To ensure obedience of military personnel to all rules and regulations, to ensure respect of the military oath, and to ensure execution of all orders
- c. To check on the legality and the activities of all military units and formations of the Armed Forces of the Rumanian People's Republic, and to bring before higher bodies official complaints of any disobedience to a law or a decree
- d. To check on the legality of any arrest, detention, or imprisonment of any member of the armed forces
- e. To examine and compile all prosecution briefs
- f. To compile a set of rules and decrees necessary for the maintenance of discipline in all units and organizations
- g. To supervise the execution of all sentences or military decisions
- h. To assist in the prevention of infractions or disobedience to rules

Duties of all trial counsels in military tribunals are set forth in the law for the creation and organization of the Office of the Attorney General of the Rumanian People's Republic and in the code of penal procedures.

Article 19

All judge advocates have the following rights:

- a. To demand from each officer or enlisted man who is sentenced by the court a copy of his orders or any other deposition that might be in his possession
- b. To participate in a consulting capacity, in any meeting of a unit, formation, or military organization
- c. To receive direct complaints referring to illegal actions of any member of the armed forces and to take measures for correcting the wrong
- d. To receive complaints from the defendant in any case with reference to the sentence or decision issued by the military tribunal.

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III. Final InstructionsArticle 20

All presidents and judges of military tribunals; working personnel of military tribunals, of the Office of the Judge Advocate General, and of the Ministry of Justice; and military officers are on active military duty for the country.

The right to apply disciplinary action against any member or employee for failure to obey existing laws or regulations rests with the president of the military tribunal and with the trial counsels.

Article 21

The personnel of the military tribunal division of the Ministry of Justice, as well as the personnel of all military tribunals, the personnel of the Office of the Judge Advocate General, and all personnel of the Office of the Attorney General receive all rights to which they are entitled in the military unit to which they are attached.

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